

Application No.: 10/804,958  
Amendment dated: August 7, 2006  
Reply to Office Action of April 6, 2006

### REMARKS/ARGUMENTS

This amendment is responsive to the Office Action dated April 6, 2006. Applicants would like to thank the Examiner for a timely and thorough review of the above-referenced patent application. Claims 1-4, 7-12, 17-21, 23, 24, 28, 29, and 31 were previously pending in the application, and Claims 5, 6, 13-16, 22, 25-27, and 30 were previously withdrawn from consideration. Claims 1-4, 7-12, 17-21, 23, 24, 28, 29, and 31 are rejected. Applicants have amended Claims 1, 8, 17, and 28 to more clearly define the claimed subject matter and have canceled Claims 5, 6, 13-16, 22, 25-27, and 30. It is respectfully submitted that in light of the claim amendments and the remarks below, all of the claims are now in condition for allowance.

### Election/Restrictions

Applicants further acknowledge the election without traverse of Species A and agree that Claims 1-4, 7-12, 17-21, 23, 24, 28, 29, and 31 read on the elected Species A. Claims 5, 6, 13-16, 22, 25-27, and 30 were previously withdrawn from further consideration, and Applicants have canceled Claims 5, 6, 13-16, 22, 25-27, and 30 in order to place the present application in condition for immediate allowance. Applicants reserve the right to reinstate the withdrawn claims in the event that a generic base claim is found allowable and/or the right to file the withdrawn claims in a continuing application.

### Claim Objections

The Office Action objects to Claim 1 and suggests that the recitation of "one of the housing" on line 6 lacks antecedent basis. Applicants respectfully submit that the recitation of "one of the housing *and* the base" is proper to indicate that the plate 38 is secured to *either* the housing 28 *or* the base 30 *and* is operable for separating the interior cavity into a first compartment 40 and a second compartment 42. The plate 38 is shown secured to the housing 28 in FIGS. 1, 3, 6, and 7. The plate 38 is shown secured to the base 30 in FIGS. 2, 4, 5 and 8. Applicants further note that the same limitation is recited in independent Claim 17 at line 8, and in independent Claim 28 at line 5. Accordingly, Applicants respectfully request that the objection to Claim 1 be withdrawn.

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**Rejections Under 35 U.S.C. § 103(a) as being unpatentable over the O'Neil '664 patent in view of the Battey '616 application**

Claims 1-4, 7-12, 17-21, 23, 24, 28, 29, and 31 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,218,664 to O'Neil et al. ("the O'Neil '664 patent") in light of U.S. Patent Application Publication No. 2002/0051616 to Battey et al. ("the Battey '616 application"). The Office Action alleges that the O'Neil '664 patent, in view of the Battey '616 application, discloses every element and limitation found in the claims. To the extent that these rejections would be applied against the claims as amended, Applicants respectfully traverse.

With regard to Claims 1-4, 11-12, 17-21, 28 and 29, the Office Action on page 3 asserts that the O'Neil '664 patent "teaches a splice pedestal comprising a base ..., a housing 10 positioned over the base, a distribution cable 9 received within the interior cavity, a plate 25 secured to one of the housing and the base and operable for separating the interior cavity into a first compartment 21 and a second compartment ... . A splice tray 24, not enclosed within another enclosure, is provided to connect the cables 9 passing through the buffer tube 23 and to the splice tray for interconnection. The first compartment is above the 'silicon pail' 21 wherein the silicon pail is filled up with a gel preventing access of water to the splice trace, thus isolating the splice tray and separate the pedestal into two separate compartments. The container 10 creates a bell jar effect when placed over the base." The Office Action states, however, that the O'Neil '664 patent does not explicitly teach "a drop cable received within the interior cavity and interconnect with the cables within the cavity." Regardless, the Office Action asserts that the Battey '616 application "teaches, similarly, a splice pedestal having a base 12 wherein the distribution cable is received into the cavity through the port 14 and exits the cavity through a separate port 14, and teaches a cassette 106 used to interconnect multiple drop cables." The Office Action further states that the purpose for the Battey '616 application to provide a drop cable "is to provide a distinct cable drawn from the distribution cable to each subscriber" and the purpose for providing the splice tray "is for the technician to customize the signal needed for each subscriber and the splice tray acts as a cable organizer."

In view of the above, the Office Action on page 4 concludes that "it would have been obvious at the time the invention was made to a person having ordinary skill in the art to employ the teaching of the O'Neil '664 patent's enclosure having two separate compartments to isolate the environmentally sensitive connections from the moisture of the earth." The Office Action further

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concludes that it is "reasonably obvious for an optical termination pedestal, as taught by [the O'Neil '664 patent], that requires customizing the feed signal to each specific subscriber must have a drop cable" and states that "[t]he motivation for using [the O'Neil '664 patent's] enclosure is to isolate and protect the sensitive connections from the moist environment ... and the motivation for having a drop cable is to provide a distinct feed signal that is customized to each subscriber." Applicants note that the Office Action has not provided an explicit statement in support of the rejection of claims 7-10, 23, 24 and 31.

Applicants respectfully traverse the rejections with respect to the presently pending claims, as amended herein. The O'Neil '664 patent discloses a conventional canister type splice closure for splicing the optical fibers of a first cable 9 to the optical fibers of a second cable 9. The closure includes an end cap (base) 12 having a metallic inner surface 25 and a container (housing) 10 defining an interior cavity closed at one end by the end cap. A silicone rubber vessel 21 in the shape of an open top pail with a flared resilient brim 22 is disposed within the interior cavity of the container. The brim 22 is in contact with the interior surface of the housing 10 to form a seal. The brim 22 is spaced from the inner surface 25 of the base 12 by about one inch and the vessel 21 is filled up to the surface 25 with a gel encapsulant to prevent access of water to a splice tray 24 disposed within the interior cavity defined by the housing 10. As illustrated in the Office Action at page 5, the inner surface 25 of the base 12 separates the splice closure into a "first compartment" disposed within the housing 10 and a "second compartment" disposed within the base 12, but *not disposed within the housing 10*. In addition, the Battey '616 application does not disclose or suggest a plate secured to one of the housing and the base that separates an interior cavity defined by the canister type splice closure into a first compartment and a second compartment. Thus, the Battey '616 application does not provide the requisite teaching, suggestion, or motivation to one of ordinary skill to modify the splice closure of the O'Neil '664 patent in a manner to produce the claimed invention. Therefore, amended independent Claims 1, 17, and 28 are patentable for at least this reason.

Claims 2-4 and 7-12 depend directly or indirectly from Claim 1, and thus, are likewise allowable for at least the same reason. Claims 18-21, 23, and 24 depend directly or indirectly from Claim 17, and thus, are likewise allowable for at least the same reason. Finally, Claims 29 and 31 depend directly from Claim 28, and thus, are likewise allowable for at least the same reason.

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Furthermore, neither the O'Neil '664 patent nor the Battey '616 application discloses or suggests a pre-connectorized drop cable for being interconnected to a connectorized optical fiber of a distribution cable. Thus, dependent Claims 7, 9, 10, 24, and 31 are patentable for at least this additional reason. In addition, neither the O'Neil '664 patent nor the Battey '616 application discloses or suggests that the plate separating the interior cavity into a first compartment and a second compartment comprises a mounting plate having at least one connector port wherein an optical fiber of the distribution cable is optically connected to an optical fiber of the drop cable through the connector port. Thus, dependent Claims 8, 9, 10, 23, 24, and 31 are patentable for at least this additional reason. Further, neither the O'Neil '664 patent nor the Battey '616 application discloses or suggests that the plate separating the interior cavity into a first compartment and a second compartment comprises a seal for essentially sealing the first compartment from the second compartment. Such a seal adjacent the inner surface 25 of the base 12 of the splice closure of the O'Neil '664 patent would be unnecessary (and at best redundant) in view of the seal provided by the brim 22 of the vessel 21 in contact with the interior surface of the housing 10. Thus, dependent Claims 11 and 18 are patentable for at least this additional reason. Finally, neither the O'Neil '664 patent nor the Battey '616 application discloses or suggests that the plate separating the interior cavity into the first compartment and the second compartment creates a bell-jar effect to prevent access of water into the first compartment. As identified in the Office Action, the second compartment of the splice closure of the O'Neil '664 patent is open to the atmosphere, and thus, is unable to produce an increase in pressure by compressing the air in the second compartment against the underside of the plate. Thus, dependent Claims 12 and 19 are patentable for at least this additional reason. Accordingly, Applicants respectfully request that the rejections of Claims 1-4, 7-12, 17-21, 23, 24, 28, 29, and 31 be withdrawn.

### Conclusion

In view of the foregoing remarks, Applicants respectfully submit that all of the claims of the present application are in condition for allowance. It is respectfully requested that a Notice of Allowance be issued in due course. Examiner Chiem is encouraged to contact Applicants' undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

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It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 19-2167.

Respectfully submitted,

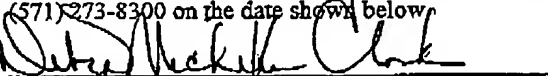


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8/7/06  
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